

Yeas—97

| | |
|-------------------|-------------------|
| Adamson | Hunt |
| Aikin | Hunter |
| Alexander | Hyder |
| Alsup | Jackson |
| Atchison | Jones of Atascosa |
| Beck | Jones of Falls |
| Bourne | Jones of Runnels |
| Bradbury | King |
| Bradford | Knetsch |
| Burton | Lange |
| Butler of Brazos | Lanning |
| Butler of Karnes | Lemens |
| Caldwell | Leonard |
| Calvert | Lindsey |
| Celaya | Lucas |
| Clayton | Luker |
| Collins | Mauritz |
| Cooper | McCalla |
| Cowley | McConnell |
| Crossley | McFarland |
| Davis | McKinney |
| Davison of Fisher | Moffett |
| Davisson | Moore |
| of Eastland | Morrison |
| Dunagan | Newton |
| Dunlap of Hays | Nicholson |
| Dunlap of Kleberg | Padgett |
| Dwyer | Patterson |
| Fain | Reed of Bowie |
| Fisher | Reed of Dallas |
| Fitzwater | Roach of Angelina |
| Fox | Roark |
| Frazer | Roberts |
| Fuchs | Rogers |
| Gibson | Russell |
| Glass | Rutta |
| Graves | Stanfield |
| Gray | Stinson |
| Hankamer | Stovall |
| Harris of Archer | Tarwater |
| Harris of Dallas | Tennyson |
| Head | Thornton |
| Herzik | Tillery |
| Hill | Waggoner |
| Hodges | Walker |
| Hofheinz | Westfall |
| Hoskins | Wood of Montague |
| Howard | Worley |
| Huddleston | Young |

Nays—3

| | |
|--------|-------|
| McKee | Wells |
| Settle | |

Present—Not Voting

Bergman

Absent

| | |
|----------|----------|
| Ash | Daniel |
| Broyles | Dickison |
| Cagle | Duvall |
| Canon | England |
| Colquitt | Farmer |
| Colson | Ford |
| Craddock | Good |

| | |
|---------------|------------------|
| Greathouse | Payne |
| Hanna | Petsch |
| Hardin | Pope |
| Hartzog | Quinn |
| Holland | Reader |
| James | Riddle |
| Jefferson | Roane |
| Jones of Wise | Scarborough |
| Keefe | Shofner |
| Latham | Smith |
| Leath | Spears |
| Lotief | Steward |
| Morris | Venable |
| Morse | Wood of Harrison |
| Olsen | Youngblood |
| Palmer | |

Absent—Excused

| | |
|-----------------|---------------|
| Adkins | Roach of Hunt |
| Jones of Shelby | |

The Speaker then laid House Bill No. 831 before the House on its third reading and final passage.

• The bill was read third time, and was passed.

ADJOURNMENT

Mr. Alexander moved that the House adjourn until 9:30 o'clock a. m., next Monday.

Mr. Tillery moved that the House recess to 2 o'clock p. m., today.

Question recurring on the motion by Mr. Alexander, it prevailed, and the House, accordingly, at 12 o'clock m., adjourned until 9:30 o'clock a. m., next Monday.

FIFTY-FIRST DAY

(Monday, April 15, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

| | |
|------------------|-------------------|
| Mr. Speaker | Cagle |
| Adamson | Caldwell |
| Adkins | Calvert |
| Aikin | Celaya |
| Alsup | Clayton |
| Ash | Collins |
| Atchison | Colquitt |
| Beck | Colson |
| Bergman | Cooper |
| Bourne | Cowley |
| Bradbury | Craddock |
| Bradford | Crossley |
| Broyles | Daniel |
| Burton | Davison of Fisher |
| Butler of Brazos | Davisson |
| Butler of Karnes | of Eastland |

| | |
|-------------------|-------------------|
| Dickison | Lotief |
| Dunagan | Lucas |
| Dunlap of Hays | Luker |
| Dunlap of Kleberg | Mauritz |
| Duvall | McConnell |
| England | McFarland |
| Fain | McKee |
| Farmer | Moffett |
| Fisher | Moore |
| Fitzwater | Morris |
| Ford | Morrison |
| Fox | Morse |
| Frazer | Newton |
| Fuchs | Nicholson |
| Gibson | Olsen |
| Glass | Padgett |
| Good | Patterson |
| Graves | Payne |
| Gray | Petsch |
| Greathouse | Pope |
| Hankamer | Quinn |
| Hanna | Reader |
| Hardin | Reed of Bowie |
| Harris of Archer | Reed of Dallas |
| Harris of Dallas | Roach of Angelina |
| Head | Roach of Hunt |
| Herzik | Roark |
| Hill | Roberts |
| Hodges | Rogers |
| Hofheinz | Russell |
| Holland | Rutta |
| Hoskins | Scarborough |
| Howard | Settle |
| Huddleston | Shofner |
| Hunt | Smith |
| Hunter | Spears |
| Hyder | Stanfield |
| Jackson | Steward |
| James | Stinson |
| Jefferson | Stovall |
| Jones of Atascosa | Tarwater |
| Jones of Falls | Tennyson |
| Jones of Runnels | Thornton |
| Jones of Shelby | Tillery |
| Jones of Wise | Venable |
| Keefe | Waggoner |
| Knetsch | Walker |
| Lange | Wells |
| Lanning | Westfall |
| Latham | Wood of Harrison |
| Leath | Wood of Montague |
| Lemens | Worley |
| Leonard | Young |
| Lindsey | Youngblood |

Absent

Dwyer Riddle
King

Absent—Excused

Alexander McCalla
Canon McKinney
Davis Palmer
Hartzog Roane

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain,
offered the following invocation:

"Almighty God, we are the beneficiaries of Thy grace and kind providence. We thank Thee for all Thy blessings, many of which we do not recognize as the gifts of Thy hand. Look upon us in our real and peculiar need of Thy guidance today. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Hartzog for today, on motion of Mr. Harris of Dallas.

Mr. Palmer for today, on motion of Mr. Wood of Montague.

Messrs. Alexander, Canon, Davis, McKinney, and McCalla, members of a committee appointed by the Speaker to make certain investigation in regard to conditions at the Retrieve State Prison Farm, were granted leaves of absence, on motion of Mr. Luker, for Monday, Tuesday and Wednesday of this week, for the purpose of making trip to the Retrieve State Prison Farm.

The following member was granted leave of absence on account of illness:

Mr. Roane for today, on motion of Mr. Spears.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mrs. Moore and Mr. Greathouse:

H. J. R. No. 49, Proposing an amendment to Section 13 of Article V of the Constitution of the State of Texas and proposing that said section be so amended as to permit women to serve upon grand juries and petit juries; providing for the submission of same to the qualified electors of this State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication and election.

Referred to Committee on Constitutional Amendments.

HOUSE BILL ON FIRST READING

Mr. Hoskins moved to introduce at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—109

| | |
|-------------------|-------------------|
| Adamson | Jones of Falls |
| Aikin | Jones of Runnels |
| Alsup | Jones of Shelby |
| Atchison | Keefe |
| Beck | Knetsch |
| Bergman | Lange |
| Bourne | Lanning |
| Bradbury | Latham |
| Bradford | Leonard |
| Broyles | Lotief |
| Burton | Lucas |
| Butler of Brazos | Mauritz |
| Butler of Karnes | McConnell |
| Cagle | McFarland |
| Caldwell | McKee |
| Celaya | Moffett |
| Clayton | Moore |
| Collins | Morris |
| Colquitt | Morrison |
| Cooper | Morse |
| Craddock | Newton |
| Crossley | Olsen |
| Davison of Fisher | Padgett |
| Davisson | Patterson |
| of Eastland | Payne |
| Dickison | Pope |
| Dunlap of Kleberg | Quinn |
| Duvall | Reader |
| Fain | Reed of Bowie |
| Farmer | Reed of Dallas |
| Fisher | Roach of Angelina |
| Fitzwater | Roach of Hunt |
| Fox | Roark |
| Fuchs | Roberts |
| Gibson | Rogers |
| Glass | Russell |
| Gray | Rutta |
| Greathouse | Settle |
| Hankamer | Shofner |
| Hanna | Smith |
| Hardin | Spears |
| Harris of Archer | Stinson |
| Harris of Dallas | Stovall |
| Head | Tarwater |
| Herzik | Tennyson |
| Hodges | Thornton |
| Hofheinz | Tillery |
| Holland | Waggoner |
| Hoskins | Walker |
| Huddleston | Westfall |
| Hunt | Wood of Harrison |
| Hunter | Wood of Montague |
| Hyder | Worley |
| Jackson | Young |
| Jones of Atascosa | Youngblood |

Absent

| | |
|---------|----------------|
| Adkins | Dunagan |
| Ash | Dunlap of Hays |
| Calvert | Dwyer |
| Colson | England |
| Cowley | Ford |
| Daniel | Frazer |

| | |
|---------------|-------------|
| Good | Lindsey |
| Graves | Luker |
| Hill | Nicholson |
| Howard | Petsch |
| James | Riddle |
| Jefferson | Scarborough |
| Jones of Wise | Stanfield |
| King | Steward |
| Leath | Venable |
| Lemens | Wells |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Hartzog | Roane |

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Graves, Mr. Hoskins, and Mr. Fox:

H. B. No. 965, A bill to be entitled "An Act authorizing the Lower Colorado River Authority to issue bonds not to exceed twenty million dollars (\$20,000,000) in aggregate principal amount, repealing that portion of the Colorado River Authority Act limiting the amount of bonds which may be issued by such district to ten million dollars (\$10,000,000), and all other laws in conflict herewith, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

INVITATION TO MEMBERS OF THE HOUSE

Speaker Stevenson presented Hon. T. H. McGregor, who extended an invitation to members of the House and employes to attend a barbecue, to be given by Mr. McGregor at the McGregor ranch, on April twenty-second, at 5 o'clock p. m.

CONCERNING INVESTIGATION OF HIGHWAY FACILITIES OF TEXAS

Mr. Duvall offered the following resolution:

Whereas, The Texas Centennial Commission has planned to hold a Centennial celebration in Dallas; and

Whereas, The Legislature has indicated its intention to provide celebrations at various points in the State, including San Antonio, Houston, Huntsville, and Gonzales; and

Whereas, Texas is officially invit-

ing thousands of citizens from other States to visit this State and many of the visitors will drive their own cars to Texas and utilize the highways in traveling from place to place in Texas; and

Whereas, The only State Department which has any authority to declare a State highway congested has declared that the major highways of this State are now carrying all of the traffic which they will accommodate and cannot accommodate any additional traffic; and

Whereas, The highways so declared to be congested by the Railroad Commission are the main highways of this State connecting the major cities and towns of this State; and

Whereas, If the findings of the Railroad Commission are true and correct and our highways will not in fact accommodate any additional traffic the Legislature should be so advised in order that it may make adequate provisions for the construction of facilities sufficient to take care of the influx of visitors expected in 1936; and

Whereas, The Legislature does not have at its command any information concerning this matter; therefore, be it

Resolved, That the Speaker of the House of Representatives appoint a committee of five members for the purpose of investigating and determining whether or not the present highway facilities of Texas are sufficient to accommodate the use which will be made of them by Centennial visitors, and said committee is instructed to confer with officials of the Highway Department and with the officials of the Railroad Commission in order to determine whether or not the facts as found by the Railroad Commission are true and correct concerning the congested condition of the highways and said committee is further empowered to make such further investigation concerning the matter referred to in this resolution as it can adequately and conveniently make during the two weeks immediately following the passage of this resolution and said committee is ordered to report back to the House of Representatives its findings within three weeks following the passage of this resolution, and the committee is given authority to summons such witnesses from the various departments of the State Government as it may deem necessary to call and to administer such oaths as may be necessary

to determine the true highway condition in Texas.

The resolution was read second time.

On motion of Mr. Wells, the resolution was tabled.

TO INVITE HON. WIRT FRANKLIN TO ADDRESS THE HOUSE

Mr. McKee offered the following resolution:

Whereas, There exists in Texas a situation in the oil industry which is of vital interest to the citizens of this State; and

Whereas, The question of State and/or Federal control is the question that is now before Congress; and

Whereas, We have in Texas at this time, a person who is familiar through actual experience with the petroleum industry and whose opinion is highly regarded; therefore, be it

Resolved by the House of Representatives, That the Hon. Wirt Franklin, President of the Independent Petroleum Association of America, is hereby invited to address the House on the subject of State or Federal control of the oil business, at eleven o'clock a. m., Tuesday, April twenty-third.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was tabled.

PROPOSED AMENDMENT TO THE JOINT RULES

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 76, Proposing certain amendment to the Joint Rules in regard to the appointment of special committees;

The resolution having heretofore been read second time and referred to the Committee on Rules;

The Committee on Rules having recommended the adoption of the resolution.

Mr. Alsup offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 76 by adding between the words "House" and "unless," the words "whether joint committees or otherwise."

The amendment was adopted.

Mr. McConnell raised a point of order on further consideration of the

resolution, on the ground that same is in violation of Section 11 of Article III of the Constitution.

The Speaker overruled the point of order.

Question recurring on the resolution, it was adopted.

Mr. Alsup moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 831 ON FINAL PASSAGE

Mr. Cooper moved to reconsider the vote by which House Bill No. 831 was passed.

The motion to reconsider prevailed.

House Bill No. 831 was then passed by the following vote:

Yeas—110

| | |
|------------------|-------------------|
| Adamson | Head |
| Adkins | Hill |
| Aikin | Hodges |
| Alsup | Holland |
| Atchison | Hoskins |
| Beck | Howard |
| Bergman | Huddleston |
| Bourne | Hunt |
| Bradbury | Hunter |
| Bradford | Hyder |
| Broyles | Jackson |
| Burton | James |
| Butler of Brazos | Jefferson |
| Caldwell | Jones of Atascosa |
| Calvert | Jones of Falls |
| Celaya | Jones of Runnels |
| Colquitt | Jones of Shelby |
| Cooper | Keefe |
| Cowley | Lange |
| Craddock | Lanning |
| Crossley | Latham |
| Daniel | Lemens |
| Davisson | Leonard |
| of Eastland | Lindsey |
| Dickison | Lucas |
| Dunagan | Luker |
| Dunlap of Hays | Mauritz |
| England | McConnell |
| Fain | McFarland |
| Farmer | Moffett |
| Fisher | Moore |
| Fitzwater | Morris |
| Ford | Morrison |
| Fox | Morse |
| Gibson | Nicholson |
| Glass | Olsen |
| Graves | Padgett |
| Gray | Patterson |
| Hardin | Payne |
| Harris of Archer | Petsch |
| Harris of Dallas | Pope |

| | |
|-------------------|------------------|
| Reed of Bowie | Stovall |
| Reed of Dallas | Tarwater |
| Roach of Angelina | Tennyson |
| Roach of Hunt | Thornton |
| Roark | Tillery |
| Rogers | Venable |
| Russell | Waggoner |
| Rutta | Walker |
| Scarborough | Wells |
| Settle | Westfall |
| Shofner | Wood of Harrison |
| Smith | Wood of Montague |
| Spears | Worley |
| Stanfield | Youngblood |
| Steward | |

Nays—1

Quinn

Present—Not Voting

| | |
|-------------------|--------|
| Cagle | Lotief |
| Davison of Fisher | McKee |

Absent

| | |
|-------------------|---------------|
| Ash | Hanna |
| Butler of Karnes | Herzik |
| Clayton | Hofheinz |
| Collins | Jones of Wise |
| Colson | King |
| Dunlap of Kleberg | Knetsch |
| Duvall | Leath |
| Dwyer | Newton |
| Frazer | Reader |
| Fuchs | Riddle |
| Good | Roberts |
| Greathouse | Stinson |
| Hankamer | Young |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Hartzog | Roane |

RELATIVE TO HOUSE BILL NO. 176

On motion of Mr. Howard, by unanimous consent, the Engrossing Clerk of the House was authorized to insert the words "fail to" between the words "shall" and "pay," in the fourth line of committee amendment No. 2 to House Bill No. 175, which amendment was adopted on last Saturday.

MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, April 15, 1935.

To the Members of the Forty-fourth
Legislature:

I have been informed by those charged with the duty of enforcing the oil conservation laws of this State that if House Bill No. 581 were speedily enacted into law, it would result in the final and complete establishment of law and order in the oil industry of this State.

This bill if enacted, to my mind, will certainly curtail the handling of hot gasoline by trucks over the State.

Representatives of this great State are appearing before a Senate committee of the Congress of the United States, Wednesday, for the sole purpose of protecting State sovereignty. The whole clamor for Federal control of the oil industry has been based on the alleged failure of Texas to enforce conservation.

This will perhaps be my only message to your honorable body. It can not be really designated a message—more properly a request.

Unacquainted as I am with the technique of legislative procedure, I do know that the Honorable House of Representatives and the Senate of Texas can, by the suspension of your rules and authorizing constitutional provisions—or something—pass this bill finally and have it down on the desk of your present Governor in time for him to notify Washington authorities that the last legal peg necessary to stop the flow of hot oil in Texas has been enacted. I plead with the Speaker of the House and all Representatives, and the President of the Senate, the members of that august body, and the committees thereof for co-operation—and plenty of it—in the enactment of House Bill No. 581 into law.

Respectfully submitted,
WALTER F. WOODUL,
Acting Governor of Texas.

RELATIVE TO HOUSE BILL NO. 5

Mr. Good called up the motion to reconsider the vote by which House Bill No. 5 was passed, which motion to reconsider was heretofore spread on the Journal.

Mr. Reader moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—61

| | |
|------------------|----------------|
| Alsup | Hunter |
| Ash | James |
| Beck | Jefferson |
| Bergman | Jones of Falls |
| Broyles | Jones of Wise |
| Butler of Brazos | Keefe |
| Butler of Karnes | Latham |
| Celaya | Lemens |
| Collins | Lotief |
| Colquitt | McKee |
| Crossley | Moore |
| Davisson | Morris |
| of Eastland | Morrison |
| Dickison | Morse |
| Duvall | Newton |
| England | Padgett |
| Farmer | Payne |
| Fisher | Petsch |
| Ford | Quinn |
| Fox | Reader |
| Fuchs | Reed of Dallas |
| Glass | Roach of Hunt |
| Graves | Roark |
| Greathouse | Shofner |
| Harris of Dallas | Smith |
| Head | Spears |
| Herzik | Steward |
| Hodges | Thornton |
| Hofheinz | Wells |
| Holland | Young |
| Howard | Youngblood |

Nays—64

| | |
|-------------------|------------------|
| Adamson | Gibson |
| Adkins | Good |
| Aikin | Gray |
| Atchison | Hankamer |
| Bourne | Hanna |
| Bradbury | Hardin |
| Bradford | Harris of Archer |
| Burton | Hill |
| Cagle | Hoskins |
| Caldwell | Huddleston |
| Calvert | Hunt |
| Clayton | Hyder |
| Cooper | Jones of Shelby |
| Craddock | Knetsch |
| Daniel | Lanning |
| Davison of Fisher | Lindsey |
| Dunagan | Lucas |
| Dunlap of Hays | Mauritz |
| Fain | McConnell |
| Fitzwater | McFarland |
| Frazer | Moffett |

| | |
|-------------------|------------------|
| Nicholson | Stanfield |
| Olsen | Stovall |
| Patterson | Tarwater |
| Pope | Tennyson |
| Reed of Bowie | Tillery |
| Roach of Angelina | Venable |
| Rogers | Waggoner |
| Russell | Walker |
| Rutta | Westfall |
| Scarborough | Wood of Harrison |
| Settle | Wood of Montague |

Present—Not Voting

Worley

Absent

| | |
|-------------------|---------|
| Colson | Lange |
| Cowley | Leath |
| Dunlap of Kleberg | Leonard |
| Dwyer | Luker |
| Jackson | Riddle |
| Jones of Atascosa | Roberts |
| Jones of Runnels | Stinson |
| King | |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Hartzog | Roane |

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

Yeas—58

| | |
|-------------------|-------------------|
| Adamson | Hyder |
| Adkins | Knetsch |
| Aikin | Lanning |
| Atchison | Lindsey |
| Bourne | Lucas |
| Bradbury | Mauritz |
| Bradford | McConnell |
| Burtón | McFarland |
| Cagle | Moffett |
| Caldwell | Olsen |
| Calvert | Patterson |
| Clayton | Pope |
| Cooper | Reed of Bowie |
| Craddock | Roach of Angelina |
| Daniel | Rogers |
| Davison of Fisher | Russell |
| Dunagan | Rutta |
| Fain | Scarborough |
| Frazer | Settle |
| Gibson | Stanfield |
| Good | Stovall |
| Gray | Tarwater |
| Hankamer | Tennyson |
| Hardin | Venable |
| Harris of Archer | Waggoner |
| Hill | Walker |
| Hoskins | Westfall |
| Huddleston | Wood of Harrison |
| Hunt | Wood of Montague |

Nays—69

| | |
|------------------|-------------------|
| Alsup | Jones of Atascosa |
| Ash | Jones of Falls |
| Beck | Jones of Shelby |
| Bergman | Jones of Wise |
| Broyles | Keefe |
| Butler of Brazos | Lange |
| Butler of Karnes | Latham |
| Celaya | Lemens |
| Collins | Lotief |
| Colquitt | Luker |
| Cowley | McKee |
| Crossley | Moore |
| Davisson | Morris |
| of Eastland | Morrison |
| Duvall | Morse |
| England | Newton |
| Farmer | Nicholson |
| Fisher | Padgett |
| Fitzwater | Payne |
| Fox | Petsch |
| Fuchs | Quinn |
| Glass | Reader |
| Graves | Reed of Dallas |
| Greathouse | Roach of Hunt |
| Hanna | Roark |
| Harris of Dallas | Roberts |
| Head | Shofner |
| Hodges | Smith |
| Hofheinz | Steward |
| Holland | Stinson |
| Howard | Thornton |
| Hunter | Tillery |
| Jackson | Wells |
| James | Young |
| Jefferson | Youngblood |

Present—Not Voting

Worley

Absent

| | |
|-------------------|------------------|
| Colson | Jones of Runnels |
| Dickison | King |
| Dunlap of Hays | Leath |
| Dunlap of Kleberg | Leonard |
| Dwyer | Riddle |
| Ford | Spears |
| Herzik | |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Hartzog | Roane |

HOUSE BILL NO. 581 ON SECOND READING

Mr. Hill moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 581, A bill to be entitled "An Act regulating the use of the public highways for the transporta-

tion of crude petroleum or the products of crude petroleum by trucks or other vehicles; making it unlawful for the driver or operator of any truck or other vehicle containing petroleum or products of petroleum to transport the same over the public highways of the State unless he has obtained from the person, firm, or corporation from whom he received the products contained in his truck or vehicle, a certificate signed by such person, firm, or corporation, showing the name and residence of the driver or operator of such truck or vehicle; the numbers upon the license plate of such truck or vehicle; the day, hour, and place where such truck or vehicle was loaded and the destination of such load, etc., and declaring an emergency."

Mr. Farmer raised a point of order on further consideration of the motion of Mr. Hill, on the ground that House Bill No. 365, which is pending business in the House, has precedence over a motion to suspend the regular order of business at this time.

The Speaker sustained the point of order.

Mr. Jones of Atascosa moved that that section of the House Rules which prohibits the Speaker from entertaining a motion to suspend the regular order of business and that gives pending business in the House precedence at this time, be suspended for the purpose of taking up and considering House Bill No. 581.

The motion prevailed by the following vote:

Yeas—123

| | |
|------------------|-------------------|
| Adamson | Cooper |
| Adkins | Cowley |
| Aikin | Craddock |
| Alsup | Crossley |
| Ash | Davison of Fisher |
| Atchison | Davisson |
| Bergman | of Eastland |
| Bourne | Dickison |
| Bradbury | Dunagan |
| Broyles | Duvall |
| Burton | England |
| Butler of Brazos | Fain |
| Butler of Karnes | Fitzwater |
| Caldwell | Fox |
| Calvert | Frazer |
| Celaya | Gibson |
| Clayton | Glass |
| Collins | Good |
| Colquitt | Graves |
| Colson | Gray |

| | |
|-------------------|-------------------|
| Greathouse | Morris |
| Hankamer | Morrison |
| Hanna | Morse |
| Hardin | Newton |
| Harris of Archer | Nicholson |
| Harris of Dallas | Padgett |
| Head | Patterson |
| Herzik | Payne |
| Hill | Petsch |
| Hodges | Pope |
| Hofheinz | Quinn |
| Holland | Reader |
| Hoskins | Reed of Bowie |
| Howard | Reed of Dallas |
| Huddleston | Roach of Angelina |
| Hunt | Roach of Hunt |
| Hunter | Roark |
| Hyder | Roberts |
| Jackson | Rogers |
| James | Russell |
| Jefferson | Rutta |
| Jones of Atascosa | Scarborough |
| Jones of Falls | Settle |
| Jones of Runnels | Shofner |
| Jones of Shelby | Smith |
| Jones of Wise | Spears |
| Knetsch | Stanfield |
| Lange | Steward |
| Lanning | Stinson |
| Latham | Tarwater |
| Lemens | Tennyson |
| Leonard | Thornton |
| Lindsey | Tillery |
| Lotief | Venable |
| Lucas | Waggoner |
| Luker | Walker |
| Mauritz | Wells |
| McConnell | Westfall |
| McFarland | Wood of Montague |
| McKee | Worley |
| Moffett | Young |
| Moore | Youngblood |

Nays—4

| | |
|--------|--------|
| Cagle | Farmer |
| Daniel | Keefe |

Absent

| | |
|-------------------|------------------|
| Beck | Fuchs |
| Bradford | King |
| Dunlap of Hays | Leath |
| Dunlap of Kleberg | Olsen |
| Dwyer | Riddle |
| Fisher | Stovall |
| Ford | Wood of Harrison |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Hartzog | Roane |

The Speaker then laid House Bill No. 581 before the House on its second reading and passage to engrossment.

The bill was read second time.

Mr. Duvall offered the following committee amendments to the bill:

Amend House Bill No. 581 by striking out all below the enacting clause and insert in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. Definition of Terms.

(a) The word "Commission" shall mean the Railroad Commission of Texas. The phrase "order of the Commission" shall include any rule, regulation, or order adopted by the Railroad Commission of Texas pursuant to the oil and gas conservation statutes of this State, including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925, and all amendments thereto.

(b) The word "oil" or phrase "crude oil" herein used shall include crude petroleum oil in its natural state as produced and crude petroleum oil from which only the basic sediment and water have been removed. The word "gas" herein used shall include natural gas, bradenhead gas, casinghead gas, and gas produced from an oil well.

(c) The word "product" shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of petroleum, and/or any and all liquid products or by-products derived from crude petroleum oil or gas, whether hereinabove enumerated or not.

(d) "Unlawful oil," as that term is used herein, shall include oil which has been produced within the State of Texas from any well or wells in excess of the amount allowed by any order of the Commission, and oil which has been produced within said State in violation of any law of said State or in violation of any order of the Commission, and shall include any oil transported in violation of any such law or in violation of any such order.

(e) "Unlawful product" shall be construed to include any product any

part of which was processed or derived in whole or in part from unlawful oil or from any product of unlawful oil, or from unlawful gas, or which is transported in violation of any order of the Commission or in violation of any law of Texas.

(f) "Unlawful gas" shall be construed to include gas produced or transported in violation of any order of the Commission or so produced or transported in violation of any law of Texas.

(g) The word "tender" shall mean a permit or certificate of clearance for the transportation of oil or products approved and issued or registered under the authority of the Commission.

The form of any tender and the application therefor shall be prescribed by order of the Commission and shall show the name and address of the shipper or person tendering oil or products for transportation, name and address of the transporting agency (where such order requires the transporter to be designated), quantity and true classification of each commodity authorized to be transported, place or places where delivery will be made to the transporting agency, and such other related data as may be prescribed by order of the Commission. A tender shall bear a date and serial number, shall show its expiration date, and shall be executed by the agent or agents authorized by the Commission to deny, approve or register tenders. No tender shall be approved or registered by such agent authorizing the shipment or transportation of any unlawful oil or unlawful product.

(h) The word "manifest" shall be construed to include any document issued by a shipper covering oil or products to be transported by truck or other motor vehicle.

The form of a manifest may be prescribed by order of the Commission, and shall bear a certificate signed by the shipper stating the amount of oil or products and each of them to be transported. A manifest shall show, when required by order of the Commission, the date and serial number of the tender, if a tender is required, authorizing such transportation, or any seal or number or other evidence of such tender, the amount and classification of each such product to be transported, the name and address of the transporting agency, name and address of shipper, name and address

of consignee, if known, the name and address of the driver or operator of such truck or vehicle; the number on the license plate on such truck or vehicle; the day, hour, and place where such truck or vehicle was loaded and the destination, if known, of such load, and such other related data as may be required by order of the Commission. If the form of manifest is not prescribed by order of the Commission, each shipper required to issue a manifest to a transporter shall utilize the form of manifest commonly used in commercial transactions or the form of manifest required by any State agency or department of this State to accompany the movement of gasoline.

(i) The word "person" shall include natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, or representative of any kind.

Sec. 2. (a) Whenever, by order of the Commission, a tender is required before oil or products may be transported, and whenever pursuant to such order, an agent of the Commission approves and issues or registers a tender authorizing the transportation of oil or products by truck or motor vehicles, it shall be the duty of the person obtaining such tender to sign and issue a manifest to the operator of each such truck or motor vehicle, which manifest shall show the date and serial number of the tender authorizing such transportation; a separate manifest shall be issued for each load carried by such truck or motor vehicle. The person obtaining such tender shall not transport or deliver or cause or permit to be transported or delivered any more nor any different commodity than is authorized by such tender. Each transporter authorized to transport oil or products on a manifest issued by a shipper shall not receive for transportation any different commodity than is described in such manifest and shall not receive oil or products in excess of the amount authorized by such manifest. The person authorized to transport oil or products by a manifest issued by a shipper, which manifest bears on its face the date and serial number of such tender, may rely upon the manifest delivered to him, and each consignee or person to whom oil or a product covered by such manifest is delivered by such transporter may rely upon such manifest as authority for receiving the commodity delivered, pro-

vided such manifest appears to be valid on its face, is signed by the shipper, and bears the certificate of the shipper that the transportation of such oil or products is authorized by the tender, the date and serial number of which is shown on such manifest.

(b) Whenever, pursuant to any order of the Commission, the transportation of oil or products by truck or motor vehicle is prohibited without a manifest showing the date and serial number of a tender authorizing such transportation, it shall be unlawful for any person to transport by truck or motor vehicle any oil or products without having or carrying in such truck or vehicle at all times between the point of origin and point of destination of such shipment a manifest bearing the date and serial number of the tender authorizing such transportation; and it shall be unlawful for any person to ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without furnishing the operator of such truck or motor vehicle a manifest bearing the date and serial number of such tender, authorizing such shipment or transportation; provided, if the person to whom such tender is issued is the operator of such truck or motor vehicle and such tender identifies the truck or motor vehicle by license number and covers one load, such tender in lieu of a manifest may be carried in said truck or vehicle. Products shipped or transported in violation of this section shall be deemed to be unlawful products. Oil shipped or transported in violation of this section shall be deemed to be unlawful oil.

(c) It shall be the duty of every consignee and of every person receiving a shipment of oil or products thereof whenever such shipment is required to be covered by tender or manifest to require that such tender or manifest covering the shipment so delivered to such person shall be surrendered upon the completion of such delivery, which tender or manifest when so delivered to such consignee or person receiving such shipment shall be canceled by writing across the face thereof the date, hour and place of delivery, and signing thereon the name of such consignee or person receiving such delivery. Every such consignee or person receiving such delivery who fails to comply with this section shall be deemed guilty of a violation of this Act.

Sec. 3. In order to enforce the provisions of this Act every agent of the Commission, highway patrolman, sheriff, constable, and all peace officers of this State are empowered to stop any motor vehicle which may appear to be transporting oil or products, for the purpose of taking samples of the cargo and inspecting the shipping papers of such motor vehicle, provided such agent or officer shall have probable cause and reasonable grounds to believe that such vehicle is transporting any unlawful oil or unlawful products. If upon examination of such motor vehicle it is found that the same is transporting any unlawful oil or unlawful product, or is transporting any oil or product without authority of a tender required by order of the Commission, such authorized agent or officer shall, with or without warrant, arrest the driver thereof and carry him before the nearest justice of the peace and file a complaint under this Act against such driver.

Sec. 4. (a) Every person who transports by truck or motor vehicle, oil or products, who shall wilfully fail to stop such truck or vehicle, when commanded to do so by any agent of the Commission or by any authorized officer or who shall wilfully fail to permit inspection by such agent or officer of the contents of or the shipping papers accompanying such truck or vehicle, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

(b) Every person who shall knowingly violate any provision of Section 2 of this Act, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle over any public highway in this State any unlawful oil or unlawful product, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without authority of a tender whenever a tender is required by any order of the Commission, or who shall knowingly receive from any truck or motor vehicle or knowingly deliver to any truck or motor vehicle any oil or product not covered by a tender authorizing the transportation thereof whenever a tender is required by any order of the Commission, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

(c) Every person who shall knowingly violate any other provision of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

Sec. 5. (a) Whenever by any order of the Commission any person is required, before transporting oil or products, to obtain or be furnished a tender, or a manifest referring to and issued under a tender, and such person shall transport any oil or product without first obtaining or being furnished such tender or such manifest, it shall be prima facie evidence that such person has knowingly and wilfully violated the provisions of this Act.

(b) Whenever in any criminal action filed pursuant to this Act it is alleged that a defendant transported, received or delivered any oil or product without authority of a tender required by any order of the Commission and proof is made in such criminal action that any oil or product was transported, received or delivered by such defendant, the burden shall be upon said defendant to produce or prove any tender, or a manifest evidencing a tender, for the oil or product in question.

(c) A conviction for the violation of any provisions of this Act may be had upon the unsupported evidence of any accomplice or participant. Such accomplice or participant shall be exempt from prosecution for any offense under this law about which he may be required to testify.

Sec. 6. Whenever the Commission shall have adopted, after notice and hearing as provided under other statutes of the State, any rule, regulation or order pursuant to any statute of this State, no criminal action shall be maintained against any person involving the violation of any provision of such rule, regulation or order, until the Commission shall have promulgated such rule, regulation, or order by publishing a complete copy of same in three (3) newspapers of general circulation in the State of Texas (such newspapers to be selected by said Commission) once each day for three (3) consecutive days, and on and after the seventh (7th) day after the date of the last publication such rule, regulation or order shall be effective and enforceable in any criminal action, brought pursuant to this

Act. No criminal action shall be maintained against any person involving the violation of any provision of any amendment or modification of any order of the Commission until the Commission shall have promulgated such amendment or modification after its adoption by publishing a complete copy of such amended or modified rule, regulation, or order in three (3) newspapers of general circulation once each day for three (3) consecutive days, and, on and after the seventh (7th) calendar day of the last publication, such amendment or modification of such rule, regulation, or order shall become effective and enforceable in any criminal action brought pursuant to this Act. However, the absence of promulgation by publication as herein provided shall not affect the enforcement of any order of the Commission in any civil or quasi civil action brought pursuant to any statute of this State.

Sec. 7. A certificate under the seal of the Commission executed by any member or the secretary thereof, setting forth the terms of any order of the Commission and that it has been adopted, promulgated and published and was in effect at any date or during any period specified in such certificate shall be prima facie evidence of all such facts, and such certificate shall be admitted in evidence in any action, civil or criminal, involving such order and the publication thereof without further proof of such promulgation, adoption, or publication and without further proof of its contents.

Sec. 8. In all prosecutions, criminal actions, cases, proceedings or suits involving the enforcement of the provisions of this Act or of any order of the Commission, all State Rangers and all agents of the Commission shall have the power and authority to serve any criminal or judicial process, warrant, subpoena, or writ just the same and as fully as any sheriff, constable or peace officer is authorized under existing laws. Such rangers and such agents of the Commission may serve such process, warrant and subpoena anywhere within the State of Texas although it may be directed to any sheriff or constable of a particular county. They shall make the same return as any other officer, sign their name and add thereunder the title of (in the case of a State Ranger), "State Ranger," and (in the case of

an agent of the Commission) the words "Agent, Railroad Commission of Texas," which shall be sufficient to make it valid if the writ is otherwise properly made out. No fees of any kind for such service shall be allowed such State Rangers or agents of the Railroad Commission other than their regular salary or compensation.

Sec. 9. (a) In any complaint, information or indictment alleging a violation of an order of the Commission, it shall not be necessary to set forth fully the terms of such order, and it shall be sufficient therein to allege the substance of the order, or the pertinent term or terms thereof alleged to have been violated.

(b) In any criminal action filed pursuant to this Act, a certificate executed by any member of the Commission or by the Secretary thereof showing the amount of allowable oil which may be produced per day or during a stated period from any oil well or wells, proof of any production from which is involved in such criminal action, shall be admissible in evidence and shall be prima facie evidence of the facts therein stated.

(c) The venue of a criminal action maintained pursuant to this Act is hereby fixed in the county where the oil or products involved in such criminal action is received or delivered, or in any county in or through which such oil or products is transported.

(d) Nothing herein shall restrict or limit the power of the Commission to adopt rules, regulations or orders pursuant to the oil and gas conservation statutes of this State, including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto.

Sec. 10. (a) All unlawful oil and all unlawful products transported in violation of any of the provisions of this Act are hereby declared a nuisance and shall be forfeited to the State. It shall be the duty of every officer named in Section 3 of this Act to seize such unlawful oil or such unlawful product and the vehicle containing the same and to turn the same over to the sheriff of the county in which the same was seized, and such sheriff shall impound the same. Immediately upon such impounding such officer making the seizure shall file a written report thereof with the county

clerk of said county within twenty-four (24) hours after the seizure thereof, which report shall show the kind and character of such truck or vehicle, the license numbers thereof, and the kind, character and approximate quantity of the contents of said truck and his appraisal of the value of such contents, which report shall also show that he has turned said seized property over to the sheriff of said county. A copy of said report shall similarly be filed with the county attorney of said county or the discover officer is charged by law with every officer is charged by law with the duty of prosecuting misdemeanor offenses in said county, and it shall be the duty of such attorney immediately to institute a proceeding in rem before the county court of such county for the forfeiture of the contents so impounded to the State. Notice of the pendency of such suit shall be served by posting three copies thereof in three public places in said county, one of such places to be the courthouse door of said county, for ten (10) consecutive days prior to the commencement of the term of court in which such action is to be heard. Upon a trial of said cause if it be shown that the contents of said vehicle are unlawful oil or unlawful products and that the same were being transported in violation of the provisions of this Act judgments shall be entered forfeiting such unlawful oil or unlawful products to the State of Texas. Such contents shall be sold under the order of said court after notice and in the manner provided under orders of sale from said court and the proceeds of such sale, after deducting the cost of such proceeding and the storage charges, if any, upon such property, shall be paid into the registry of said court and monthly the clerk of said court shall make remittance to the State Treasury of all sums so received under the provisions of this Act.

(b) The officers of said court shall receive the same fees provided by law for other civil actions and in addition thereto such attorney shall be allowed a fee to be charged as costs of ten dollars (\$10) in each such action, which fees shall be allowed to such attorney additional to the fees which he may retain by law under the fee bill.

(c) The provision of this section for the forfeiture of such unlawful

oil and/or such unlawful products shall be additional to and cumulative of the criminal fines and penalties provided by the other sections of this Act.

Sec. 11. The provisions of this Act shall be cumulative of all other provisions of the Civil Statutes, the Penal Code and the Code of Criminal Procedure, and the remedies herein provided shall be cumulative of all other remedies provided in the Civil Statutes, the Penal Code and the Code of Criminal Procedure.

Sec. 12. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any clause, sentence or part of this Act shall be declared unconstitutional shall in no event affect any other clause, sentence or part thereof.

Sec. 13. The provisions of this Act shall not apply to the retail purchaser of the products of petroleum where such products so purchased at retail are contained in the ordinary equipment of a motor vehicle and are used only for the operation of such motor vehicle in which contained.

Sec. 14. The fact that the laws of this State are now inadequate to provide for an accurate check of the amount of oil and gas being produced within this State and the fact that a great many landowners of this State are being defrauded of their proper royalty interest in oil and gas being produced, and that existing laws do not adequately provide sufficient remedies and penalties for enforcing the rules, regulations and orders of the Railroad Commission of Texas, and the fact that by reason of the inadequacies of existing laws the State of Texas is being defrauded of a vast amount of revenue being derived under the gross production tax laws of the State of Texas create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three separate days, be suspended, and said rule is hereby suspended, and this Act shall take effect and be enforced from and after its passage, and it is hereby so enacted.

Amend House Bill No. 581 by striking out all above the enacting clause and insert in lieu thereof the following:

"H. B. No. 581,

A BILL

To Be Entitled

An Act defining the terms or phrases 'Commission,' 'order of the Commission,' 'oil,' 'crude oil,' 'gas,' 'product,' 'unlawful oil,' 'unlawful product,' 'unlawful gas,' 'tender,' 'manifest,' 'person'; prohibiting the transportation by truck or motor vehicle of unlawful oil and unlawful product; providing for the cancellation of tenders and manifests; empowering Commission agents, any highway patrolman or peace officer on probable cause to stop and inspect motor vehicles transporting oil or products and without warrants to arrest any driver violating provisions of this Act; making it an offense for any person to knowingly transport, receive, or deliver by truck or motor vehicle any unlawful product or unlawful oil; making it an offense for any person to knowingly receive, deliver, or transport by truck or motor vehicle oil or any product without authority of a tender when one is required under any order of the Railroad Commission; making it an offense for a consignee to fail to demand and cancel manifests and tenders covering each shipment when same are required; fixing penalties for all such offenses; making it an offense for any person transporting oil or products by truck or motor vehicle to wilfully fail to stop such vehicle when commanded to do so by Commission agent or any patrolman or peace officer and making it an offense for such person to fail to permit inspection by such agent or officer of the contents of or shipping papers accompanying such vehicle; providing penalties therefor; providing it shall be prima facie evidence of intent to violate Railroad Commission order requiring tenders when such person shall transport, receive, deliver any oil or products without authority of a tender when a tender is required by Commission orders; providing that possession of oil or products without authority of a tender when one is required for the transportation thereof or in excess of amount in a tender required by Railroad Commission regulation shall be deemed prima facie evidence that such person has knowingly and wil-

fully violated provisions of this Act; providing that burden shall be upon any defendant to produce or prove in any criminal action authority of a tender where such person is charged with doing prohibited act without authority of a tender; providing for conviction upon unsupported evidence of accomplice or participant and exempting such accomplice or participant from prosecution about matters which he may be required to testify; providing no criminal action shall be maintained involving Railroad Commission rule, regulation, or order, or amendment or modification thereof until after such rule, regulation, or order, or amendment or modification thereof has been promulgated by publishing in three (3) newspapers for three (3) consecutive days complete copy of such rule, regulation, or order; providing certificate under seal of Railroad Commission setting forth terms of rule, regulation, or order, and certifying adoption, promulgation and publication shall be prima facie evidence of such facts and admissible in evidence in any criminal action; empowering Railroad Commission agents and all State Rangers with authority to serve criminal or judicial process; providing that where same may be served and how such officers shall make their returns; providing such officers shall receive no extra compensation; providing in complaint, information or indictment alleging violation any order of the Commission it shall be sufficient to allege the substance of such order or terms thereof alleged to have been violated; fixing the venue of all prosecutions under this Act; declaring all unlawful oil and unlawful products transported in violation of this Act to be a nuisance and providing for a forfeiture thereof to the State and providing for the method of enforcing such forfeiture and for the sale, costs and fees for such actions of forfeiture and for the impounding pending such actions of all such unlawful oil and products and exempting the attorneys fees from amounts for which he is accountable under the fee bill; providing provisions of this Act shall be cumulative of Civil Code, Penal Code, and Code of Criminal Procedure and remedies herein shall be cumulative of other

remedies in such statutes; providing that the proceedings in rem for forfeiture shall be in addition to and cumulative of criminal penalties; exempting from the provisions of this Act products of petroleum in the hands of the purchaser at retail for the operation of the motor vehicle in which contained; declaring legislative intent to enact each separate provision of this Act independently and that if any clause of this Act is declared unconstitutional same shall not affect any other part of this Act, and declaring an emergency."

The amendments were severally adopted.

House Bill No. 581 was then passed to engrossment.

HOUSE BILL NO. 581 ON THIRD READING

Mr. Duvall moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 581 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

| | |
|-------------------|-------------------|
| Adamson | Ford |
| Adkins | Fox |
| Aikin | Frazer |
| Alsup | Fuchs |
| Ash | Glass |
| Atchison | Good |
| Beck | Graves |
| Bergman | Gray |
| Bourne | Greathouse |
| Bradford | Hankamer |
| Butler of Brazos | Hanna |
| Butler of Karnes | Harris of Archer |
| Caldwell | Harris of Dallas |
| Calvert | Head |
| Celaya | Hill |
| Collins | Hodges |
| Colquitt | Hofheinz |
| Colson | Holland |
| Cooper | Hoskins |
| Cowley | Howard |
| Craddock | Hunt |
| Crossley | Hunter |
| Davison of Fisher | Hyder |
| Davison | Jackson |
| of Eastland | James |
| Dickson | Jefferson |
| Dunagan | Jones of Atascosa |
| Dunlap of Hays | Jones of Falls |
| Duvall | Jones of Runnels |
| Fisher | Knetsch |

| | |
|----------------|-------------------|
| Lange | Roach of Angelina |
| Lanning | Roark |
| Latham | Roberts |
| Lemens | Rogers |
| Leonard | Russell |
| Lindsey | Rutta |
| Lotief | Scarborough |
| Mauritz | Settle |
| McConnell | Shofner |
| McFarland | Smith |
| McKee | Stanfield |
| Moffett | Steward |
| Moore | Stinson |
| Morris | Tarwater |
| Morse | Tennynson |
| Newton | Thornton |
| Nicholson | Tillery |
| Padgett | Waggoner |
| Patterson | Walker |
| Payne | Wells |
| Petsch | Westfall |
| Pope | Wood of Montague |
| Quinn | Worley |
| Reader | Young |
| Reed of Bowie | Youngblood |
| Reed of Dallas | |

Nays—20

| | |
|-----------------|------------------|
| Broyles | Jones of Wise |
| Burton | Keefe |
| Cagle | Lucas |
| Daniel | Luker |
| Fain | Morrison |
| Farmer | Olsen |
| Gibson | Roach of Hunt |
| Hardin | Stovall |
| Huddleston | Venable |
| Jones of Shelby | Wood of Harrison |

Present—Not Voting

Bradbury

Absent

| | |
|-------------------|--------|
| Clayton | Herzik |
| Dunlap of Kleberg | King |
| Dwyer | Leath |
| England | Riddle |
| Fitzwater | Spears |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Hartzog | Roane |

The Speaker then laid House Bill No. 581 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

| | |
|---------|----------|
| Adamson | Ash |
| Adkins | Atchison |
| Alsup | Beck |

| | |
|-------------------|------------------|
| Bergman | Jones of Falls |
| Bradford | Jones of Runnels |
| Burton | Knetsch |
| Butler of Brazos | Lange |
| Butler of Karnes | Lanning |
| Cagle | Latham |
| Caldwell | Lemens |
| Calvert | Leonard |
| Celaya | Lindsey |
| Collins | Mauritz |
| Colquitt | McConnell |
| Colson | McFarland |
| Cooper | McKee |
| Cowley | Moffett |
| Crossley | Moore |
| Davison of Fisher | Morris |
| Dickson | Newton |
| Dunagan | Nicholson |
| Dunlap of Hays | Olsen |
| Duvall | Padgett |
| England | Patterson |
| Fisher | Payne |
| Ford | Petsch |
| Fox | Pope |
| Frazer | Quinn |
| Fuchs | Reader |
| Gibson | Reed of Bowie |
| Glass | Reed of Dallas |
| Good | Roark |
| Graves | Roberts |
| Gray | Rogers |
| Greathouse | Russell |
| Hankamer | Rutta |
| Hanna | Settle |
| Harris of Archer | Shofner |
| Harris of Dallas | Smith |
| Head | Stanfield |
| Herzik | Steward |
| Hill | Stinson |
| Hodges | Tarwater |
| Hofheinz | Tennyson |
| Holland | Thornton |
| Hoskins | Tillery |
| Howard | Waggoner |
| Hunt | Walker |
| Hunter | Wells |
| Hyder | Westfall |
| Jackson | Wood of Montague |
| James | Worley |
| Jefferson | Young |
| Jones of Atascosa | Youngblood |

Nays—23

| | |
|-----------------|-------------------|
| Aikin | Jones of Wise |
| Bourne | Keefe |
| Broyles | Lotief |
| Craddock | Lucas |
| Daniel | Luker |
| Davisson | Morrison |
| of Eastland | Roach of Angelina |
| Fain | Roach of Hunt |
| Farmer | Scarborough |
| Hardin | Stovall |
| Huddleston | Venable |
| Jones of Shelby | Wood of Harrison |

Present—Not Voting

Bradbury

Absent

| | |
|-------------------|--------|
| Clayton | Leath |
| Dunlap of Kleberg | Morse |
| Dwyer | Riddle |
| Fitzwater | Spears |
| King | |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Hartzog | Roane |

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 38, Urging Federal aid to the Brazos River Conservation and Reclamation District.

Conference report on House Bill No. 388 by the following vote: Yeas, 27; nays, 0.

The Senate has passed

S. B. No. 498, A bill to be entitled "An Act prohibiting the taking, removing and carrying away of sand, marl, shell, gravel, or other material from land located between any sea wall and the water's edge or from any beach or shore line within this State, and declaring an emergency."

Senate Bill No. 135 has been received from the Governor by authority of Senate Concurrent Resolution No. 32, and signature of Lieutenant Governor has been erased by authority of Senate Concurrent Resolution No. 33.

Respectfully,

BOB BARKER,
Secretary of the Senate.

INVITATION TO ADDRESS THE HOUSE

Mr. Bradbury offered the following resolution:

Whereas, There is a group of unemployed citizens of Texas now in Austin who desire to submit their plea to the House of Representatives; and

Whereas, It is the belief that should this group be allowed to submit their suggestions that it would be a means of understanding their problems and desires, and at the same time, preserve peace and order among the unemployed in Texas; therefore, be it

Resolved, That the House of Representatives invite one member of this group to appear before the House for fifteen minutes between the hour of 1:45 p. m. and 2 p. m. today to submit their plea.

BRADBURY,
LOTIEF.

The resolution was read second time, and was adopted.

RECESS

On motion of Mr. Butler of Brazos, the House, at 12 o'clock m., took recess to 1:45 o'clock p. m., today.

AFTERNOON SESSION

The House met at 1:45 o'clock p. m., and was called to order by the Speaker.

ADDRESS IN REGARD TO UNEMPLOYED SITUATION IN TEXAS

In accordance with the provisions of a resolution adopted on this morning, inviting representatives of the unemployed of Texas to address the House, Speaker Stevenson presented Mr. Bradbury, who introduced A. W. O'Connor of San Antonio.

Mr. O'Connor addressed the House on the unemployed situation in Texas.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 444, "An Act making an appropriation for emergency malaria control measures by the State Board of Health in Cameron, Hidalgo, and Willacy Counties for a period of seven months, and declaring an emergency."

H. B. No. 388, "An Act adding a new article to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, providing a method for

holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe, Hardeman, Gonzales, and Wise Counties; providing that if the freeholders of any such political subdivisions determine, at an election called for the purpose, to prevent turkeys from running at large in such counties, the provisions of Articles 6957 to 6971, inclusive, shall be applicable thereto, and declaring an emergency."

CONFERENCE COMMITTEE REPORT ON HOUSE CONCURRENT RESOLUTION NO. 50

Mr. Knetsch submitted the following conference committee report on House Concurrent Resolution No. 50:

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two houses on House Concurrent Resolution No. 50, recommend that said resolution be adopted in form and text as submitted herewith:

Whereas, The entire cotton crop of the United States is produced in thirteen Southern States; and

Whereas, The grain crops of the State of Texas are of vital importance to the citizens of the State of Texas; and

Whereas, The State of Texas and particularly the farmers of the State of Texas are vitally interested in the production and sale of cotton, cotton products, grain and grain products, and in the production and sale of other major crops raised in this State; and,

Whereas, The general prosperity depends to a great extent on the prosperity of the farmers of the State; and

Whereas, Texas produces practically one-third of the cotton produced in the United States, ninety per cent of which production is exported to foreign countries; and

Whereas, The maintenance of the foreign markets affording a fair price for the cotton produced in this State is of vital concern to all of the people of Texas; and

Whereas, Statistics show that from August 1, 1934, to March 1, 1935, the American cotton exports were two million, three hundred and twenty-one thousand (2,321,000) bales less than for the same period of time the year previous; and

Whereas, Statistics show that American gin manufacturing companies, during the year of 1934, sold to foreign cotton growing countries more than five and one-half times as much gin machinery as in any previous year; and

Whereas, It is of vital importance and much concern to all the people of Texas that stable and satisfactory markets be provided and maintained for all crops grown in the State of Texas; and

Whereas, The gravity of the cotton export situation and the market with reference to other major crops in the State of Texas as to the production, control, and marketing of the same is alarming to the cotton and grain growing States; be it therefore

Resolved, by the House of Representatives of the State of Texas, the Senate of Texas concurring, That the Speaker of the House of Representatives appoint five members of the House of Representatives to serve with a committee of five members of the Senate, appointed by the Lieutenant Governor of Texas, to make a study of the cotton growing and cotton marketing situation as well as the production, control, and marketing of other major crops in the State of Texas affecting not only the State of Texas but the entire Southern States with the view of making recommendations to the Legislature of Texas and to the members of Congress from Texas, of any suggested plans and proposals that will remedy the existing conditions and that will be calculated to stabilize the production, control, and marketing of said cotton and grain production, and also to study and make recommendations as to the feasibility of forming a cotton compact with all other cotton producing States in order that not only the State of Texas, but the entire South may be well represented and considered in legislation passed by the Congress of the United States affecting the production of cotton and the production, control, and marketing of the grain crops grown in the State of Texas, and also for said committee appointed to study the feasibility of requesting the Legislature of all cotton producing States, and those producing

grain crops similar to those produced in Texas, to name similar committees to meet with the committee appointed herein in order to formulate similar plans for State legislation as well as National legislation affecting the production and sale of cotton and the production, control, and marketing of major grain crops; and, be it further

Resolved, Said committee shall have the power and authority to employ and compensate all necessary employes and it shall be the duty of said committee to make and keep the records of its investigation; that said committee shall begin and complete its investigation and study at the earliest practical moment, and shall submit a report in writing as soon as possible, and in no event later than the first day of October, 1935, or as soon thereafter as possible, that a copy of said report shall be filed with the Governor of the State of Texas, the President of the Senate, the Speaker of the House of Representatives, the Governor of each of the cotton growing States in the United States, and to the President of the United States, the Vice-President, to the Speaker of the House of Representatives at Washington, and to each of the Congressmen from Texas; be it further

Resolved, That the compensation and expenses herein provided for incident to such investigation and study not to exceed five thousand dollars shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-fourth Legislature, upon sworn account of persons entitled to such pay when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and Contingent Fund of said Forty-fourth Legislature to meet the payment of expenses of the members of said committee and all necessary employes and other expenses incident to said investigation.

Respectfully submitted,

REDDITT,
MARTIN,
SULAK,
COLLIE,
DeBERRY,

On the part of the Senate;

KNETSCH,
FUCHS,
TARWATER,
OLSEN,
POPE,

On the part of the House.

On motion of Mr. Moffett, further consideration of the report was postponed until next Wednesday.

Mr. Moffett moved a call of the House for the purpose of maintaining a quorum until 4:30 o'clock p. m., today, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Moffett, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was then called, and the following members were present:

| | |
|-------------------|-------------------|
| Mr. Speaker | Harris of Dallas |
| Adamson | Hartzog |
| Adkins | Head |
| Aikin | Herzik |
| Alsup | Hodges |
| Atchison | Hofheinz |
| Beck | Holland |
| Bourne | Hoskins |
| Bradbury | Huddleston |
| Bradford | Hyder |
| Broyles | Jackson |
| Burton | James |
| Butler of Karnes | Jefferson |
| Cagle | Jones of Atascosa |
| Caldwell | Jones of Falls |
| Calvert | Jones of Runnels |
| Celaya | Jones of Shelby |
| Collins | Jones of Wise |
| Colquitt | Knetsch |
| Colson | Lange |
| Cooper | Lanning |
| Cowley | Latham |
| Craddock | Lemens |
| Crossley | Lindsey |
| Davison of Fisher | Lotief |
| Dickison | Lucas |
| Dunlap of Hays | Luker |
| Duvall | Mauritz |
| Fain | McConnell |
| Farmer | McFarland |
| Fisher | Moffett |
| Ford | Moore |
| Fox | Morris |
| Fuchs | Morrison |
| Gibson | Morse |
| Glass | Newton |
| Graves | Nicholson |
| Gray | Olsen |
| Hankamer | Padgett |
| Hanna | Patterson |
| Hardin | Payne |
| Harris of Archer | Petsch |

| | |
|-------------------|------------------|
| Pope | Steward |
| Quinn | Stinson |
| Reed of Bowie | Stovall |
| Roach of Angelina | Tarwater |
| Roach of Hunt | Tennyson |
| Roark | Tillery |
| Roberts | Venable |
| Rogers | Waggoner |
| Russell | Walker |
| Rutta | Westfall |
| Scarborough | Wood of Harrison |
| Settle | Wood of Montague |
| Smith | Worley |
| Spears | Youngblood |
| Stanfield | |

Absent

| | |
|-------------------|----------------|
| Ash | Hunt |
| Bergman | Hunter |
| Butler of Brazos | Keefe |
| Clayton | King |
| Daniel | Leath |
| Davisson | Leonard |
| of Eastland | McKee |
| Dunagan | Reader |
| Dunlap of Kleberg | Reed of Dallas |
| Dwyer | Riddle |
| England | Shofner |
| Frazer | Thornton |
| Good | Wells |
| Greathouse | Young |
| Hill | |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Fitzwater | Roane |
| Howard | |

The Speaker announced that there was a quorum present.

HOUSE BILL ON FIRST READING

Mr. Smith moved to introduce at this time, and have placed on its first reading, the following bill.

The roll of the House was called, and the vote announced as follows:

Yeas—93

| | |
|------------------|-------------|
| Adamson | Calvert |
| Adkins | Celaya |
| Aikin | Colquitt |
| Alsup | Cooper |
| Atchison | Cowley |
| Beck | Craddock |
| Bourne | Crossley |
| Bradbury | Davisson |
| Bradford | of Eastland |
| Broyles | Dunagan |
| Burton | England |
| Butler of Karnes | Fain |
| Cagle | Farmer |
| Caldwell | Fisher |

| | |
|-------------------|------------------|
| Ford | Morrison |
| Fox | Morse |
| Gibson | Newton |
| Glass | Nicholson |
| Gray | Padgett |
| Greathouse | Patterson |
| Hankamer | Petsch |
| Hanna | Pope |
| Hardin | Quinn |
| Harris of Archer | Reed of Bowie |
| Head | Roach of Hunt |
| Herzik | Roark |
| Hodges | Rogers |
| Holland | Russell |
| Huddleston | Rutta |
| Jackson | Scarborough |
| James | Settle |
| Jones of Atascosa | Shofner |
| Jones of Falls | Smith |
| Jones of Runnels | Spears |
| Jones of Shelby | Stanfield |
| Jones of Wise | Steward |
| Knetsch | Stinson |
| Lanning | Stovall |
| Latham | Tennyson |
| Leonard | Tillery |
| Lotief | Venable |
| Lucas | Waggoner |
| Mauritz | Walker |
| McFarland | Westfall |
| Moffett | Wood of Harrison |
| Moore | Wood of Montague |
| Morris | Youngblood |

Nays—2

Lindsey Olsen

Present—Not Voting

Collins McConnell

Absent

| | |
|-------------------|-------------------|
| Ash | Hunter |
| Bergman | Hyder |
| Butler of Brazos | Jefferson |
| Clayton | Keefe |
| Colson | King |
| Daniel | Lange |
| Davison of Fisher | Leath |
| Dickison | Lemens |
| Dunlap of Hays | Luker |
| Dunlap of Kleberg | McKee |
| Duvall | Payne |
| Dwyer | Reader |
| Frazer | Reed of Dallas |
| Fuchs | Riddle |
| Good | Roach of Angelina |
| Graves | Roberts |
| Harris of Dallas | Tarwater |
| Hartzog | Thornton |
| Hill | Wells |
| Hofheinz | Worley |
| Hoskins | Young |
| Hunt | |

Absent—Excused

Alexander Canon

| | |
|-----------|----------|
| Davis | McKinney |
| Fitzwater | Palmer |
| Howard | Roane |
| McCalla | |

Mr. Dunagan raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

The roll of the House was again called.

A quorum was announced present.

Question again recurring on the motion by Mr. Smith, to introduce House Bill No. 966, it prevailed by the following vote:

Yeas—101

| | |
|---------------------|-------------------|
| Adamson | Hoskins |
| Adkins | Huddleston |
| Aikin | Jackson |
| Alsup | James |
| Atchison | Jefferson |
| Beck | Jones of Atascosa |
| Bourne | Jones of Runnels |
| Bradbury | Jones of Shelby |
| Bradford | Jones of Wise |
| Broyles | Knetsch |
| Burton | Lanning |
| Butler of Karnes | Latham |
| Cagle | Lotief |
| Calvert | Lucas |
| Celaya | Mauritz |
| Collins | McFarland |
| Colquitt | Moffett |
| Cooper | Moore |
| Cowley | Morris |
| Craddock | Morrison |
| Crossley | Morse |
| Davison of Fisher | Newton |
| Davison of Eastland | Nicholson |
| Dunagan | Olsen |
| Duvall | Padgett |
| England | Patterson |
| Fain | Payne |
| Farmer | Petsch |
| Fisher | Quinn |
| Ford | Reader |
| Fox | Reed of Bowie |
| Fuchs | Roach of Angelina |
| Gibson | Roach of Hunt |
| Glass | Roark |
| Good | Rogers |
| Graves | Russell |
| Gray | Rutta |
| Greathouse | Scarborough |
| Hankamer | Shofner |
| Hanna | Smith |
| Hardin | Steward |
| Harris of Archer | Stovall |
| Head | Tarwater |
| Herzik | Tennyson |
| Hodges | Thornton |
| Hofheinz | Tillery |
| Holland | Venable |
| | Waggoner |

Walker Wood of Montague
Westfall Worley
Wood of Harrison Youngblood

Nays—1

Lindsey

Present—Not Voting

Luker McConnell

Absent

| | |
|-------------------|----------------|
| Ash | Jones of Falls |
| Bergman | Keefe |
| Butler of Brazos | King |
| Caldwell | Lange |
| Clayton | Leath |
| Colson | Lemens |
| Daniel | Leonard |
| Dickison | McKee |
| Dunlap of Hays | Pope |
| Dunlap of Kleberg | Reed of Dallas |
| Dwyer | Riddle |
| Frazer | Roberts |
| Harris of Dallas | Settle |
| Hartzog | Spears |
| Hill | Stanfield |
| Hunt | Stinson |
| Hunter | Wells |
| Hyder | Young |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Fitzwater | Roane |
| Howard | |

The Speaker laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Smith, Mr. Youngblood, and Mr. Greathouse:

H. B. No. 966, A bill to be entitled "An Act providing for the appointment of a juvenile officer and assistant juvenile officers in counties having a population of more than one hundred and seventy-five thousand, fixing their duties, salaries, and term of office, and declaring an emergency."

Referred to Committee on Counties.

HOUSE BILL NO. 365 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 365, A bill to be entitled "An Act defining the meaning of certain words, terms, and phrases used in the Act creating the Board of Public Utility Commissioners of Texas; prescribing its official seal; providing

for the appointment, qualification, tenure, and removal from office of said commissioners; providing for the regulation, government, and supervision of public utilities and their functionings, and prescribing, defining and limiting the jurisdiction, powers, and duties of said board, its members, agents, and employes in connection therewith; levying a tax on public utilities and providing for its assessment and collection, etc., and declaring an emergency";

The bill having heretofore been read second time, with committee amendment by Mr. Graves, pending.

Mr. Bradbury offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365 by striking out Subsection 6 of Section 10, pages 31 and 32.

BRADBURY,
LOTIEF,
TENNYSON.

Mr. Lange moved to table the amendment by Mr. Bradbury.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—58

| | |
|-------------------|------------------|
| Atchison | Jones of Shelby |
| Beck | Jones of Wise |
| Bourne | Knetsch |
| Burton | Lange |
| Butler of Karnes | Lanning |
| Cagle | Latham |
| Calvert | Lucas |
| Colquitt | Luker |
| Colson | Mauritz |
| Cowley | McFarland |
| Craddock | Moore |
| Crossley | Olsen |
| Davison of Fisher | Padgett |
| Dunlap of Hays | Patterson |
| England | Payne |
| Fain | Petsch |
| Fisher | Quinn |
| Ford | Roark |
| Fox | Rogers |
| Gibson | Rutta |
| Harris of Archer | Settle |
| Harris of Dallas | Shofner |
| Head | Stanfield |
| Herzik | Tarwater |
| Hodges | Thornton |
| Hofheinz | Westfall |
| Hyder | Wood of Montague |
| Jones of Atascosa | Worley |
| Jones of Falls | Youngblood |

Nays—50

| | |
|-------------|-------------------|
| Adamson | Huddleston |
| Adkins | Hunter |
| Aikin | Jackson |
| Alsup | James |
| Bergman | Jones of Runnels |
| Bradbury | Lindsey |
| Bradford | Lotief |
| Broyles | McConnell |
| Caldwell | Morrison |
| Celaya | Newton |
| Davisson | Pope |
| of Eastland | Reed of Bowie |
| Dickison | Roach of Angelina |
| Dunagan | Roach of Hunt |
| Duvall | Russell |
| Farmer | Scarborough |
| Glass | Smith |
| Good | Stovall |
| Gray | Tennyson |
| Greathouse | Tillery |
| Hankamer | Venable |
| Hanna | Waggoner |
| Hardin | Walker |
| Hartzog | Wood of Harrison |
| Hill | Young |
| Hoskins | |

Absent

| | |
|-------------------|----------------|
| Ash | Leath |
| Butler of Brazos | Lemens |
| Clayton | Leonard |
| Collins | McKee |
| Cooper | Moffett |
| Daniel | Morris |
| Dunlap of Kleberg | Morse |
| Dwyer | Nicholson |
| Frazer | Reader |
| Fuchs | Reed of Dallas |
| Graves | Riddle |
| Holland | Roberts |
| Hunt | Spears |
| Jefferson | Steward |
| Keefe | Stinson |
| King | Wells |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Fitzwater | Roane |
| Howard | |

Mr. Hofheinz offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365, page 12, Section 4, Subsection 3, by striking out after the word "commenced," the words "when deemed necessary by the Board," and inserting in lieu thereof the following:

"Within six months after the effective date of this Act."

The amendment was adopted.

Mr. Lanning offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365, page 23, line 27, after "whatsoever," add: "Provided all utilities shall sell their products or service to public schools at the lowest rate that they sell to any other customer in that school district."

The amendment was adopted.

Mr. Pope offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365 by striking out Sections 4, 5, 6, 7, 8, and 9 and insert in lieu thereof the following:

"Section 4. Within thirty (30) days after this Act takes effect each public utility subject to the provisions hereof shall file with the Secretary of State in Austin, Texas, a statement duly verified by the president, treasurer, general manager and auditor, containing the following information:

"(1) The complete details of ownership of such utility, whether by persons, firm, corporation, or association, together with the full names and addresses of each and every ownership, stockholder, party of interest and agent or representative.

"(2) The amount of capital stock of such corporation or other ownership or agency devoted to the operation of such utility.

"(3) A detailed inventory of each and every part or parcel of the physical properties and equipment and the location thereof, the use of same if in use, and if not in use, the location of such as is not in use, the original cost thereof, the present value thereof, the replacement value thereof, and the physical condition thereof, and the estimated life thereof, separately and collectively.

"(4) The separate valuations placed upon such utilities as a whole or separate units to each taxing subdivision of the State, the intangible value, if any intangible value, that has been fixed or designated by any governmental agency; the name and residence of each and every official, stockholder of such interested owner and/or holder of such properties or parts thereof.

"(5) Whether such utility was bought or built, and if bought, from

whom, when, and at what price; and the character and kind and value when bought or built and the actual replacement value of the properties when purchased, and what betterments and additions have been added, and when same were added, and the cost of such additions or betterments.

"(6) What part or parts of said original properties have been discarded, sold, or are now unused, and the actual fair and reasonable value thereof.

"(7) What part and the value thereof of such properties is located within or without an incorporated city or town, and the names of such cities or towns in which said properties or parts thereof are located, and the value and full description of the properties located in each such incorporated city or town or in the county or counties outside of such cities or towns, and the names of each such counties.

"(8) The gross receipts of such utility for each quarter of the years in which such utility has been in operation, beginning with the year 1920, and ending with the end of the first quarter of the year 1935, together with the net earnings and profits and/or losses for each of said properties for each such quarter.

"(9) A schedule of the charges, fares, tolls, rentals, and classifications of each and every item or service charge now collected from or imposed upon the patrons or users of such utility service, and when such rates, charges, fares, tolls, rentals, and classifications and service charges were lowered or raised, and the amount of such raises or reductions for the years beginning January 1, 1920, and ending March 31, 1935, together with a full description of the service, product, or commodities offered by such utility to the public or other public utility, and the territory in which such charges, fares, tolls, rentals, classifications, and services were respectively rendered.

"(10) The amount of each and every item of indebtedness, and the amount thereof, and to whom due by such utility, together with the debt or the class of such indebtedness, and how, and in what manner same is secured, and a full description of the securities, and the rate of interest on deferred payments including the names and addresses of all creditors of such utility.

"(11) List all employes and the monthly payments or salaries paid or due such employes including all officials and employes, and names and addresses, and the character of service daily rendered by each. The monthly operating expenses, including taxes, insurance and depreciations.

"(12) The full volume of service capable of being rendered, the full demand for such service, and the full amount of service actually rendered quarterly for the years beginning January 1, 1920, and ending March 31, 1935.

"(13) In whose possession, or where located, the books and accounts and records and evidences of information contained in the statement herein required.

"(14) Full classifications of each kind of property, its value, location, and use.

"(15) Full statement of kind and description and dates and duration of all franchises, privileges, and permits.

"Section 5. (1) That the Secretary of State, the State Auditor, the head of the Department of Electrical Engineering of the Agricultural and Mechanical College of Texas, head of the College of Engineering and Architecture of the Main University of the State of Texas, and the head Valuations Expert of the Gas Utilities of the Railroad Commission of the State of Texas, shall compose a board to classify and value the properties of each utility as reflected from the verified statements of said utilities furnished by virtue of paragraph A next above.

"(2) Said Board is hereby authorized to require additional or more detailed statements under oath from said utilities than the statement called for in Section 20-a above, if said Board may desire.

"(3) To verify said statements of said utilities, said Board may appoint and/or discharge not exceeding three (3) examiners, three (3) auditors, three (3) statisticians, and three (3) technician engineers at a salary each of three hundred dollars (\$300) per month for a period of not exceeding six (6) months, and six (6) stenographers at a salary each of one hundred dollars (\$100) per month not exceeding six (6) months. Said employes shall assist said Board in classifying and codifying the statements of said utilities as a complete

source of information for the use of the cities, towns, and courts herein set forth in the fixing of rates and charges of said utilities.

"(4) After said Board has examined and checked and codified said statements directly and through said agencies, said Board shall evaluate each and every of said utilities at its fair valuation, so said city, towns, and courts may determine the adequate and reasonable price of all the commodities furnished by such utilities. Said Board and accountants, examiners, statisticians, and engineers are hereby clothed with all of the privileges and rights and authority given or imposed by virtue of this Act upon the representatives of said cities, towns, and courts.

"(5) In addition to the salaries enumerated in this subdivision, the members of said Board and other employes shall be allowed traveling expenses when performing any of the duties herein imposed upon them outside of the City of Austin.

"Section 6. Every city, town, and court desiring the use of said codified evaluations in fixing the rates and prices of the commodities to be furnished by said utilities, may have the right to use same and the same shall be introduceable in evidence in any court or other tribunal authorized by virtue of this Act and same shall be prima facie proof of the contents thereof in the trial of all matters referred to in this Act. Said utilities shall quarterly, after March 31, 1935, furnish to said Secretary of State supplemental statements in such form as said board may require, setting out all additions, betterments, changes, depletions, and changes in the properties of such utilities, and said Board shall annually make supplemental classifications, valuation, and codifications of the properties of said utilities and such supplements shall be considered a part of said original codified evaluations, and introduceable in evidence as said original evaluations."

(Pending consideration of the amendment, Mr. Hanna occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Hofheinz moved to table the amendment by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—96

| | |
|-------------------|-------------------|
| Adamson | Knetsch |
| Adkins | Lange |
| Alsup | Lanning |
| Ash | Latham |
| Atchison | Lemens |
| Beck | Leonard |
| Bourne | Lindsey |
| Bradford | Lotief |
| Burton | Lucas |
| Butler of Karnes | Mauritz |
| Cagle | McConnell |
| Calvert | McFarland |
| Clayton | Moffett |
| Collins | Moore |
| Cooper | Morris |
| Cowley | Morrison |
| Craddock | Newton |
| Crossley | Olsen |
| Daniel | Padgett |
| Davisson | Patterson |
| of Eastland | Payne |
| Dunlap of Hays | Petsch |
| Fain | Reader |
| Fisher | Reed of Dallas |
| Ford | Roach of Angelina |
| Fox | Roach of Hunt |
| Fuchs | Roark |
| Gibson | Roberts |
| Glass | Rogers |
| Graves | Rutta |
| Gray | Settle |
| Greathouse | Shofner |
| Hanna | Smith |
| Harris of Archer | Spears |
| Harris of Dallas | Stanfield |
| Hartzog | Steward |
| Head | Stovall |
| Herzik | Tarwater |
| Hodges | Tennyson |
| Hofheinz | Thornton |
| Holland | Tillery |
| Hunt | Venable |
| Hyder | Waggoner |
| Jones of Atascosa | Wells |
| Jones of Falls | Westfall |
| Jones of Runnels | Wood of Montague |
| Jones of Shelby | Worley |
| Jones of Wise | Youngblood |
| Keefe | |

Nays—32

| | |
|----------|------------|
| Aikin | Good |
| Bradbury | Hankamer |
| Broyles | Hardin |
| Caldwell | Hoskins |
| Celaya | Huddleston |
| Colquitt | Hunter |
| Dunagan | Jackson |
| Duvall | James |
| England | Luker |
| Farmer | McKee |
| Frazer | Morse |

| | |
|---------------|------------------|
| Nicholson | Scarborough |
| Pope | Stinson |
| Quinn | Walker |
| Reed of Bowie | Wood of Harrison |
| Russell | Young |

Absent

| | |
|-------------------|-----------|
| Bergman | Dwyer |
| Butler of Brazos | Hill |
| Colson | Jefferson |
| Davison of Fisher | King |
| Dickison | Leath |
| Dunlap of Kleberg | Riddle |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Fitzwater | Roane |
| Howard | |

Mr. Jones of Atascosa moved the previous question on the passage of House Bill No. 365 to engrossment.

Mr. Pope raised a point of order on further consideration of the motion by Mr. Jones of Atascosa, on the ground that if the main question is ordered at this time, it will prohibit a fair and free discussion of House Bill No. 365, thereby violating the constitutional provision that each bill shall be given a fair and free discussion in either house before passage.

The Speaker overruled the point of order.

The motion for the main question was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—61

| | |
|------------------|-------------------|
| Adamson | Gibson |
| Ash | Harris of Archer |
| Atchison | Head |
| Beck | Herzik |
| Butler of Karnes | Hodges |
| Cagle | Hofheinz |
| Calvert | Holland |
| Cowley | Hunt |
| Crossley | Jones of Atascosa |
| Daniel | Jones of Falls |
| Dunlap of Hays | Jones of Runnels |
| England | Jones of Shelby |
| Fain | Jones of Wise |
| Fisher | Knetsch |
| Ford | Lange |
| Fox | Lanning |
| Fuchs | Lemens |

| | |
|-----------|------------------|
| Lindsey | Reader |
| Lotief | Roark |
| Lucas | Rogers |
| Luker | Rutta |
| Mauritz | Shofner |
| McFarland | Stanfield |
| Moffett | Tarwater |
| Moore | Thornton |
| Morris | Waggoner |
| Padgett | Wells |
| Patterson | Westfall |
| Payne | Wood of Montague |
| Petsch | Worley |
| Quinn | |

Nays—69

| | |
|------------------|-------------------|
| Adkins | Hunter |
| Aikin | Hyder |
| Alsup | Jackson |
| Bergman | James |
| Bourne | Jefferson |
| Bradbury | Keefe |
| Bradford | Latham |
| Broyles | Leonard |
| Burton | McConnell |
| Caldwell | McKee |
| Celaya | Morrison |
| Clayton | Morse |
| Collins | Newton |
| Colquitt | Nicholson |
| Cooper | Olsen |
| Craddock | Pope |
| Davisson | Reed of Bowie |
| of Eastland | Reed of Dallas |
| Dickison | Roach of Angelina |
| Dunagan | Roach of Hunt |
| Duvall | Roberts |
| Farmer | Russell |
| Frazer | Scarborough |
| Glass | Settle |
| Good | Smith |
| Graves | Spears |
| Gray | Steward |
| Greathouse | Stinson |
| Hankamer | Stovall |
| Hanna | Tennyson |
| Hardin | Tillery |
| Harris of Dallas | Walker |
| Hartzog | Wood of Harrison |
| Hoskins | Young |
| Huddleston | Youngblood |

Present—Not Voting

Venable

Absent

| | |
|-------------------|--------|
| Butler of Brazos | Hill |
| Colson | King |
| Davison of Fisher | Leath |
| Dunlap of Kleberg | Riddle |
| Dwyer | |

Absent—Excused

| | |
|-----------|----------|
| Alexander | McCalla |
| Canon | McKinney |
| Davis | Palmer |
| Fitzwater | Roane |
| Howard | |

Question—Shall the committee amendment by Mr. Graves be adopted?

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 15, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 489, A bill to be entitled "An Act to provide rules of practice and procedure in district courts sitting for all of their terms or for only some of their terms in a county where three district courts, with both civil and criminal jurisdiction, sit and have jurisdiction, none of which has more than four terms a year, and one of which sits and has jurisdiction in not less than two other counties, and declaring an emergency."

S. B. No. 502, A bill to be entitled "An Act providing for the employment of persons necessary for the construction, maintenance, operation and development of navigation districts, etc., and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 498, to the Committee on Municipal and Private Corporations.

Senate Bill No. 489, to the Committee on Judicial Districts.

Senate Bill No. 502, to the Committee on Municipal and Private Corporations.

LEAVE OF ABSENCE GRANTED (By Unanimous Consent)

Mr. Howard was granted leave of absence for this afternoon and tomorrow on account of important business, on motion of Mr. Morse.

ADJOURNMENT

Mr. Hanna moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Colquitt moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Wells moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Moffett moved that the House recess to 7:30 o'clock p. m., today.

Question recurring on the motion by Mr. Colquitt, it prevailed, and the House, accordingly, at 5:30 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Conservation and Reclamation filed a favorable report on House Bill No. 965.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, April 13, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 176, A bill to be entitled "An Act to amend Article 4736 of the Revised Civil Statutes of the State of Texas, providing for the assessment of a penalty against life insurance, accident insurance, life and accident, health and accident, or life, health and accident insurance companies in case of failure to pay any loss within thirty days after the demand therefor, and providing for twelve per cent damages on the amount of such loss, together with reasonable attorney fees, for the prosecution and collection of such loss, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 13, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 439, A bill to be entitled "An Act to amend Section 14, Chap-

ter 186, Senate Bill No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, Senate Bill No. 24, passed at the Third Called Session, Forty-first Legislature, as amended by Chapter 79, Senate Bill No. 82, passed at the Fifth Called Session, Forty-first Legislature, as amended by Chapter 207, Senate Bill No. 531, passed at the Regular Session, Forty-third Legislature, so as to correct the reference to Article 6674-n, in Section 1, Chapter 207, Acts of Regular Session, Forty-third Legislature, and making same refer to Section 14, Chapter 186, Senate Bill No. 74, passed at the Regular Session, Thirty-ninth Legislature; to confer authority on the State Highway Commission, to purchase, or on failure to agree on price, then acting by and through the Attorney General of Texas or the county attorney in the county of which the land and/or materials is situated, to condemn land for any new or wider right of way or for materials necessary to any highway in connection with the locating, relocating, maintenance, or construction of such highway and/or to acquire by purchase or by condemnation the use or acquisition of land necessary for stream bed diversion in connection with the locating, relocating, maintenance, or construction of a designated State highway, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,
Austin, Texas, April 13, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 831, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 79, Granting Dr. C. R. Miller permission to bring suit against the State of Texas,

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 70, Granting T. G. Allen of Navarro County permission to maintain a suit against the State Highway Commission of Texas.

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 13, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 5, A bill to be entitled "An Act to protect trade-mark owners, distributors, and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 581, A bill to be entitled "An Act defining the terms or phrases 'Commission,' 'order of the Commission,' 'oil,' 'crude oil,' 'gas,' 'product,' 'unlawful oil,' 'unlawful product,' 'un-

lawful gas,' 'tender,' 'manifest,' 'person'; prohibiting the transportation by truck or motor vehicle of unlawful oil and unlawful product; providing for the cancellation of tenders and manifests; empowering Commission agents, any highway patrolman, or peace officer on probable cause to stop and inspect motor vehicles transporting oil or products and without warrants to arrest any driver violating provisions of this Act; making it an offense for any person to knowingly transport, receive, or deliver by truck or motor vehicle any unlawful product or unlawful oil; making it an offense for any person to knowingly receive, deliver, or transport by truck or motor vehicle oil or any product without authority of tender when one is required under any order of the Railroad Commission, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, April 15, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 388, "An Act adding a new article to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe, Hardeman, Gonzales, and Wise Counties; providing that if the freeholders of any such political subdivisions determine, at an election called for the purpose, to prevent turkeys from running at large in such counties, the provisions of Articles 6957 to 6971, inclusive, shall be applicable thereto, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

In Memory of Mrs. Ida Petsch

Mr. Knetsch offered the following resolution:

Whereas, Mrs. Ida Petsch, wife of Joe F. Petsch, and mother of the Hon. Alfred Petsch, member of the House of Representatives of the State of Texas, departed this life at her home at Luckenbach, Gillespie County, Texas, Friday night, April 12, 1935; and

Whereas, Mrs. Ida Petsch was one of the pioneers of Gillespie County and as such was a valued citizen of her county and the western portion of the State of Texas; and

Whereas, She was a faithful mother, a Christian wife and a builder for good in her community; and

Whereas, Her passing is a great loss to her community and to the State of Texas; now, therefore, be it

Resolved, That the House of Representatives extend to her surviving husband, Joe F. Petsch, and her children its sincere sympathy in this, their hour of grief, and especially to our respected colleague and coworker, the Hon. Alfred Petsch of Fredericksburg, and assure them that in the passing of Mrs. Ida Petsch they have not only lost a faithful wife, a good mother and a valued citizen of her own community, but that the State of Texas has suffered a distinct loss in her passing; be it further

Resolved, That a copy of this resolution be sent to the bereaved husband, Joe F. Petsch of Luckenbach, Texas, and to the Hon. Alfred Petsch, member of the House of Representatives; be it further

Resolved, That when the House adjourns today it do so in memory of the deceased, Mrs. Ida Petsch.

KNETSCH,
LEMENS.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davison of Eastland, Dickson, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Lange, Lanning, Latham, Leath, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Jones of Falls, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.